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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,656	02/15/2006	Roman Coppola	101070.0001US	9581
34284	7590	06/29/2007		
Rutan & Tucker, LLP. Hani Z. Sayed 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER LIU, MICHAEL	
			ART UNIT 2851	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/568,656

Applicant(s)

COPPOLA, ROMAN

Examiner

Michael Liu

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060215</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leary (6,061,969) in view of Oles (5,946,500).

Re claims 1, 19, 20, 22: Leary discloses a system, comprising:

an inflatable structure 10 adapted to provide a uniform background [col 5, line 62: uniform pigmented background] inside the structure, wherein the structure is sufficiently translucent such that visible light waves from outside the structure are transmitted into the structure in order to illuminate the inside of the structure [col 2, lines 38-39].

Leary does not expressly disclose the uniform background being of a chroma key color for photographing a subject.

Oles teaches a uniform background 10 of a chroma key color for photographing a subject [col 4, lines 25-28].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the chroma background for photographing a subject of Oles in the inflatable structure of Leary, for the purpose of forming a more desirable and panoramic background with the chroma replacement.

Re claim 2: wherein the visible light waves are colored. [Visible light waves are inherently colored.]

Re claims 4, 21: wherein at least a portion of the visible light waves transmitted into the structure emanate from stage lighting located outside of the structure. [Visible light waves can emanate from the sun or artificial stage lighting outside the structure.]

Re claim 5: wherein the visible light waves transmitted into the structure are substantially comprised of ambient light. [A substantial portion of the visible light waves is sunlight, and therefore, ambient light.]

Re claim 6: wherein the inflatable structure is comprised of a plastic sheeting [col 5, lines 53-56].

Re claim 7: wherein the plastic sheeting is a vinyl [col 5, lines 44-47: polyvinyl].

Re claim 8: Leary in view of Oles discloses the claimed invention except for the vinyl thickness being at least 4 mm. It would have been an obvious matter of design choice to increase the thickness of the vinyl to more than 4 mm for the purpose of having stronger support, since such a modification would have involved a mere change in the size of a component. Moreover, there is no motivation in the specification as to why it must be that thickness. A change in size is generally recognized as being within the level of ordinary skill in the art. In *re Rose*, 105 USPQ 237 (CCPA 1955).

Re claim 9: Leary in view of Oles discloses the claimed invention except for the inflatable structure having a floor area of more than 20,000 square feet. It would have been an obvious matter of design choice to increase the area to more than twenty thousand square feet for the purpose of being larger and having the capability of holding more inside, since such a modification would have involved a mere change in the size of a component. Moreover, there is no motivation in the specification as to why it must be at least that floor area size. A change in size is generally recognized as being within the level of ordinary skill in the art. In *re Rose*, 105 USPQ 237 (CCPA 1955).

Re claim 12: Leary in view of Oles discloses the inflatable structure having an entrance 22 but not having a 10 ft x 10 ft entrance. It would have been an obvious matter of design choice to increase the entrance to that size for the purpose of being larger to more easily allow access to the inside of the structure, since such a modification would have involved a mere change in the size of a component. Moreover, there is no motivation in the specification as to why it must be those dimensions. A change in size is generally recognized as being within the level of ordinary skill in the art. In *re Rose*, 105 USPQ 237 (CCPA 1955).

Re claim 3: wherein the visible light waves illuminate a colored material. [The visible light waves will illuminate the chroma key color.]

Re claims 10, 11: Oles discloses wherein the chroma key color is blue [col 4, lines 25-28].

Re claim 13: Oles discloses wherein the subject 12 is an actor [see Fig 1B].

Re claim 14: Oles discloses wherein the subject is a car. [It is inherent that cars are photographing subjects.]

Re claim 15: Oles discloses wherein the subject is photographed with a camera 16 located within the structure.

Re claims 16, 18: Oles discloses wherein the camera is operated and controlled by a camera operator located within the structure [col 4, lines 56-57: photographer].

Re claim 17: Oles discloses wherein the camera is capable of moving independent of the structure. [Col 4, lines 56-57: The camera is held by the photographer, so it is capable of moving independent of the structure.]

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Liu whose telephone number is 571-272-9019. The examiner can normally be reached on Monday through Friday 9 am - 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2851

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Perkey
Primary Examiner

Michael Liu
Examiner
Art Unit 2851

ML 20070622